

The Philanthropist.

PUBLISHED BY THE EXECUTIVE COMMITTEE OF THE OHIO STATE ANTI-SLAVERY SOCIETY.

GAMALIEL BAILEY, JR., Editor.

VOLUME I. NO. 52. NEW SERIES.

We are verily guilty concerning our brother • • • • therefore is this distress come upon us.

SAMUEL A. ALLEY, Printer.

WHOLE NO. 151.

CINCINNATI, TUESDAY, JANUARY 15, 1839.

THE PHILANTHROPIST,
PUBLISHED WEEKLY BY THE ANTI-SLAVERY SOCIETY
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CINCINNATI, OHIO.

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JUDGE HARPER'S DEFENCE OF SLAVERY

(Continued.)

It has been supposed one of the great evils of slavery, that it affords the slave no opportunity of raising himself to a higher rank in society, and that he has, therefore, no inducement to meritorious exertion, or the cultivation of his faculties. The indolence and carelessness of the slave, and the less productive quality of his labor, are traced to the want of such excitement. The first compensation for his disadvantage, is his security. If he can rise no higher, he is just in the same degree secured against the chances of falling lower. It has sometimes been made a question whether it were better for man to be freed from the perturbation of hope and fear, or be exposed to their vicissitudes. But I suppose there could be but little question with respect to a situation, in which the fears must greatly predominate over the hopes. And such, I apprehend, to be the condition of the laboring poor in countries where slavery does not exist. If not exposed to present suffering, there is continual apprehension for the future—for themselves—for their children—of sickness and want, if not actual starvation. They expect to improve their circumstances! Would any person of ordinary candor, say that there is one in a hundred of them, who does not well know, that with all the exertion he can make, it is out of his power materially to improve his circumstances? I speak not so much of menial servants, who are generally of a superior class, as of the agricultural and manufacturing laborers. They labor with no such view. It is the instinctive struggle to preserve existence—and when the superior efficiency of their labor over that of our slaves is pointed out, as being animated by a freeman's hopes, might it not well be replied—it is because they labor under a stern compulsion. The laws interpose no obstacle to their raising their condition in society. "Tis a great boon; but to the great mass, they know that they never will be able to raise it—and it should seem not very important in effect, whether it be the interdict of law, or imposed by the circumstances of the society. One in a thousand is successful. But does his success compensate for the sufferings of the many who are tantalized, baffled, and tortured in vain attempts to attain a like result? If the individual be conscious of intellectual power, the suffering is greater. Even where success is apparently attained, he sometimes gains it but to die; or with all capacity to enjoy it, exhausted—worn out in the struggle with fortune. If it be true that the African is an inferior variety of the human race, of less elevated character, and more limited intellect, is it not desirable that the inferior laboring class should be made up of such, who will conform to their condition, without painful aspiration, and vain struggles?

The slave is certainly liable to be sold. But, perhaps, it may be questioned, whether this is a greater evil than the liability of the laborer, in fully peopled countries, to be dismissed by his employer, with the uncertainty of being able to obtain employment, or the means of subsistence elsewhere. With us, the employer cannot dismiss his laborer without providing him with another employer. His means of subsistence are secure, and this compensation for much. He is also liable to be separated from wife or child—though not more frequently, than I am aware of, than the exigency of their condition compels the separation of families among the laboring poor elsewhere; but from native character and temperament, the separation is much less severely felt. And it is one of the compensations, that he may sustain these relations without suffering a still severer penalty for the infidelity.

The love of liberty is a noble passion—to have the free, uncontrolled disposition of ourselves, our words and actions. But alas! it is one in which we know that a large portion of the human race can never be gratified. It is mockery, to say that the laborer any where has such disposition of himself; though there may be an approach to it in some peculiar, and those, perhaps, not the most desirable, states of society. But unless he be properly disciplined and prepared for its enjoyment, it is the most fatal boor that can be conferred—fatal to himself and others. If slaves have less freedom of action than other laborers, which I by no means admit, they are saved in a great degree from the responsibility of self-government, and the evils springing from their own perverse wills. Those who have looked most closely into life, and know how great a portion of human misery is derived from these sources—the undecided and wavering purpose, producing ineffectual exertion, or indolence with its thousand attendant evils—the wayward conduct—intemperance or profligacy—will most appreciate this benefit. The line of a slave's duty is marked out with precision, and he has no choice but to follow it. He is saved the double difficulty, first of determining the proper course for himself, and then of summoning up the energy which will sustain him in pursuing it.

If some superior power should impose on the laboring poor of any other country this, as their unalterable condition—you shall be saved from the torturing anxiety concerning your own future support, and that of your children, which now pursues you through life, and haunts you in death—you shall be under the necessity of regular and healthful, though not excessive labor—in return, you shall have the ample supply of your natural wants—you may follow the instinct of nature in becoming parents, without apprehending that this supply will fail yourselves or your children—you shall be supported and relieved in sickness, and in old age, wear out the remains of existence among familiar scenes and accustomed associates, without being driven to beg, or to resort to the hard and miserable charity of a work house—you shall be temperate, and shall have neither the temptation, nor opportunity to commit great crimes; or practice that more destructive vice—how inappreciable would the boon be thought! And is not this a very near approach to the condition of our slaves? The evils of their situation they but lightly feel, and would hardly feel at all, if they were not sedulously instructed into sensibility. Certain it is, that if their fate were at the absolute disposal of a council of the most enlightened

philanthropists in christendom, with unlimited resources, they could place them in no situation so favorable to themselves, as that which they at present occupy. But whatever good there may be, or whatever mitigation of evil it is worse than valueless, because it is the result of slavery.

I am aware, that however often answered, it is likely to be repeated again and again—how can that institution be tolerable, by which a large class of society is cut off from the hope of improvement in knowledge; to whom blows are not dredging; theft no more than a fault; falsehood and vexing; so, to use his own expression, he hates the sight of them, and resorts to his hovel, only because a hedge affords less shelter from the wind and rain. Compelled by parish law to support his family, which means to join them in consuming an allowance from the parish, he frequently conspires with his wife to get that allowance increased, or prevent its being diminished. This brings beggary, trickery, and quarrelling, and ends settled craft. Though he has the inclination, he wants the courage to become, like more energetic men of his class, a poacher or smuggler on a large scale, but he piffers occasionally, and teaches his children to lie and steal. His subdued and slavish manner towards his great neighbors, shews that they treat him with suspicion and harshness. Consequently he at once dreads and hates them; but he will never harm them by violent means. Too degraded to be desperate, he is only thoroughly depraved. His miserable career will be short; rheumatism and asthma are conducting him to the workhouse, where he will breathe his last without one pleasant recollection, and so makes room for another wretch, who may live and die in the same way." And this description, or some other, not much less revolting, is applied to "the bulk of the people, the great body of the people." Take the following description of the condition of childhood, which has justly been called eloquent.

"The children of the very poor have no young times; it makes the very heart bleed, to overhear the casual street talk between a poor woman and her little girl, a woman of the better sort of poor, in a condition rather above the squalid beings, we have been contemplating. It is not of toys, of nursery books, of summer holidays, (fitting that age,) of the promised sight of play; of praised sufficiently at school. It is of mangling and clear starching; of the price of coals, or potatoes. The questions of the child, that should be the very outpourings of curiosity in idleness, are marked with forecast and melancholy providence. It has come to be a woman before it was a child. It has learnt to go to market; it chatters, it gabbles, it envies, it murmers; it is knowing, acute, sharpened; it never prattles." Imagine such a description applied to the children of negro slaves, the most vacant of human beings, whose life is a holiday.

And this people, to whom these horrors are familiar, are those who fill the world with clamor, concerning the injustice and cruelty of our slavery. I speak in no invidious spirit. Neither the laws nor the government of England are to be reproached with the evils which are inseparable from the state of their society—as little, undoubtedly, as we are to be reproached with the existence of our slavery. Including the whole of the United States—and for reasons already given, the whole ought to be included, as receiving in no unequal degree the benefit—may we not say justly that we have less slavery, and more mitigated slavery, than any other country in the civilized world?

That they are called free, undoubtedly aggravates the sufferings of the slaves of other regions. They see the enormous inequality which exists, and feel their own misery, and can hardly conceive otherwise, than that there is some injustice in the institutions of society to occasion these. They regard the apparently more fortunate class as oppressors, and it adds bitterness, that they should be of the same name and race. They feel indignity more acutely, and more of discontent and evil passion is excited; they feel that it is mockery that calls them free. Men do not so much hate and envy those who are separated from them by a wide distance, and some apparently impassable barrier, as those who approach nearer to their own condition, and with whom they habitually bring themselves into comparison. The slave with us is not tantalized with the name of freedom, but also a perpetual spur in himself, to rescue and deliver himself from scorn." So it would be with them, if they were capable of American aspirations—genius, if they possessed it, would be doubly feel its infelicity. If there are sordid, servile, and laborious offices to be performed, it is not better that they should be sordid, servile, and laborious to perform them? If there were infallible marks by which individuals of inferior intellect, and inferior character, could be selected at their birth—would not the interests of society be served, and would not some sort of fitness seem to require, that they should be selected for the inferior and servile offices? And if this race be generally marked by such inferiority, is it not fit that they should fill them?

I am well aware that those whose aspirations are after a state of society from which evil shall be banished, and who look in life for that which life will never afford, contemplate that all the offices of life may be performed without contempt or degradation—all be regarded as equally liberal, or equally respected. But theorists cannot control Nature and bend her to their views, and the inequality of which I have before spoken, is deeply founded in Nature. The offices which employ knowledge and intellect, will always be regarded as more liberal than those which only require the labor of the hands. When there is competition for employment, he who gives it bestows a favor, and it will be so received. He will assume superiority from the power of dismissing his laborers, and from fear of this, the latter will practice deference, often amounting to servility. Such in time will become the established relation between the employer and the employed, the rich and the poor. If want be accompanied with sordidness and squalor, though it be pitied, the pity will be mixed with some degree of contempt. If it lead to misery, and misery to vice, there will be disgust and aversion.

What is the essential character of slavery, and in what does it differ from the servitude of other countries? If I should venture a man is compelled to labor at the will of another, and to give him much the greater portion of the product of his labor, there slavery exists; and it is immaterial by what sort of compulsion the will of the labourer is subdued. It is what no human being would do without some sort of compulsion. He cannot be compelled to labor by blows. No—but what difference does it make, if you can inflict any other sort of torture which will be equally effectual in subduing the will? if you can starve him, or alarm him for the subsistence of himself or his family? And it is not under this compulsion that the *freeman's labor*? I do not mean in every particular case, but in the general. Will any one be hardy enough to say that he is at his own disposal, or has the government of himself? True, he may change his employer if he is dissatisfied with his conduct towards him; but this is a privilege he would in the majority of cases gladly abandon, and render the connexion between them indissoluble. There is far less of the interest and attachment of his relation to his employer, which so often exists between the master and the slave, and mitigates the condition of the latter. An intelligent English traveler has characterized as the most miserable and degraded of all beings "a masterless slave." And is not the condition of the laboring poor of other countries too often that of masterless slaves? Take the following description of a free laborer, no doubt highly colored, quoted by the author to whom I have before referred.

"What is that defective being, with callous legs and stooping shoulders, weak in body and mind, inert, pusillanimous and stupid, whose premature wrinkles and fugitive glance, tell of misery and degradation? That is an English peasant or pauper, for the words are synonymous. His sire was a pauper, and his mother's milk wanted nourishment. From infancy his food has been bad, as well as insufficient; and he now feels the pains of unsatisfied hunger nearly whenever he is awake. But half-clothed, and never supplied with more warmth than suffices to cook his scanty meals, cold

and wet come to him, and stay by him with the weather. He is married, of course; for to this he would have been driven by the poor laws, even if he had been, as he never was, sufficiently comfortable and prudent to dread the burden of a family. But though instinct, and the overseer have given him a wife, he has not tasted the highest joys of a husband and father. His partner and his little ones being like himself, often hungry, seldom warm, sometimes sick without aid, and always sorrowful without hope, are greedy, selfish, and vexing; so, to use his own expression, he hates the sight of them, and resorts to his hovel, only because a hedge affords less shelter from the wind and rain. Compelled by parish law to support his family, which means to join them in consuming an allowance from the parish, he frequently conspires with his wife to get that allowance increased, or prevent its being diminished. This brings beggary, trickery, and quarrelling, and ends settled craft. Though he has the inclination, he wants the courage to become, like more energetic men of his class, a poacher or smuggler on a large scale, but he piffers occasionally, and teaches his children to lie and steal. His subdued and slavish manner towards his great neighbors, shews that they treat him with suspicion and harshness. Consequently he at once dreads and hates them; but he will never harm them by violent means. Too degraded to be desperate, he is only thoroughly depraved. His miserable career will be short; rheumatism and asthma are conducting him to the workhouse, where he will breathe his last without one pleasant recollection, and so makes room for another wretch, who may live and die in the same way." And this description, or some other, not much less revolting, is applied to "the bulk of the people, the great body of the people." Take the following description of the condition of childhood, which has justly been called eloquent.

The opinion which connects form and features with character and intellectual power, is one so deeply impressed on the human mind, that perhaps there is scarcely any man who does not almost daily act upon it, and in some measure verify its truth. Yet in spite of this intimation of nature, and though the anatomist and physiologist may tell them that the races differ in every bone and muscle, and in the proportion of brain and nerves, yet there are some, who with a most bigoted and fanatical determination to free themselves from what they have prejudiced to be prejudice, will still maintain that this physiognomy, evidently tending to that of the brute when compared to that of the Caucasian race, may be enlightened by as much thought, and animated by as lofty sentiment. We

who have the best opportunity of judging, are pronounced to be incompetent to do so, and to be blinded by our interest and prejudices—often by those who have had no means of judging—and we are to be taught to distrust and disbelieve that which we daily observe, and familiarly know, of our authority. Our prejudices are spoken of. But the truth is, that, until very lately, since circumstances have compelled us to think for ourselves, we took our opinions on this subject, as on every other, ready formed out of the country of our origin. And so deeply rooted were they, that we adhered to them, as most men will do to deeply rooted opinions, even against the evidence of our own observation, and our own senses. If the inferiority exists, it is attributed to the apathy and degradation produced by slavery. Though of the hundreds of thousands scattered over other countries, where the laws impose no liability upon them, none has given evidence of an approach to even mediocrity of intellectual excellencies; this too is attributed to the slavery of a portion of their race. They are regarded as a servile caste, and degraded by opinion, and thus every generous effort is repelled. Yet though this should be the general effect, this very estimation is calculated to produce the contrary effect in particular instances. It is observed by Bacon, with respect to deformed persons and outcasts, that though in general there is something of perversity in their character, the disadvantage often leads to extraordinary displays of virtue and excellence. "Whoever hath any thing fixed in his person that doth induce contempt, hath also a perpetual spur in himself, to rescue and deliver himself from scorn." So it would be with them, if they were capable of American aspirations—genius, if they possessed it, would be doubly feel its infelicity. They are regarded as sordid, servile, and laborious offices to be performed, and trained to the endurance of the evils they must encounter? It is not certain as to any individual, but it is foreseen as to the great mass of those born of the laboring poor; and it is for the mass, not for the exception, that the institutions of society are to provide. It is not better that the character and intellect of the individual should be suited to the station which he is to occupy? Would you do a benefit to the horse or the ox, by giving him a cultivated understanding or fine feelings? So far as the mere laborer has the pride, the knowledge, or the aspirations of a freeman, he is unfitted for his situation, and must doubly feel its infelicity. If there are sordid, servile, and laborious offices to be performed, it is not better that they should be sordid, servile, and laborious to perform them? And if this race be generally marked by such inferiority, is it not fit that they should fill them?

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COMMUNICATIONS.

Cincinnati, January 8, 1839

Dr. BAILEY.—Dear Sir.—Enclosed you will find a slip taken from the "New York Journal of Commerce," of January 1st, 1839; it is part of a communication from the London correspondent of that paper, dated,

London, November 6th, 1838.

J.

Tom Campbell, the author of the *Pleasures of Hope*, has addressed the following lines against "The Star Spangled Banner." They appeared in the *Morning Chronicle* of this day.

To the United States of North America, on their striped and starred banner.

United States, your banner wears

Two embossed one of fame;

Alas! the other that bears

Reminds us of your shame!

The white man's liberty in type

Blonds blazoned by your stars—

But what's the meaning of your stripes?

They mean your negroes' scars.

THOMAS CAMPBELL.

A young gentleman, a native of Boston, who was with me when I read this biting effusion, immediately altered it as follows:

United States, your banner wears

Two embossed one of fame;

Alas! the other that bears

Reminds us of your shame!

Man's righteous liberty in type

Blonds blazoned by your stars—

But what's the meaning of your stripes?

We feel them in our scars!

THOMAS CAMPBELL

KIDNAPPING.

The following case will be read with much interest. It is highly creditable to the justice of a slave-holding court, and we take pleasure in recording it. The lawyers employed on both sides, also deserve great praise for their evident desire to see right prevail. Our Indiana friends ought to look to it, that the kidnapping monster who violated their laws, be brought to justice.

ED. PHIL.

Bloomingburg, Nov. 1, 1838.

FRIEND BAILEY.—The following case of kidnapping has just been furnished me by the citizens of this place.

A year or two ago, young Samuel Myers, son of Col. Samuel Myers, of this county, (Fayette,) obtained a colored lad by the name of Alfred Turpin to live with him. His father's name was James Turpin. He lived in Williamsport, Pickaway co. He promised to keep the boy till he was twenty-one, and do a good part by him. The boy's father has since died. Some time since, young Myers permitted the boy to go with his brother, James Myers, into Indiana to drive stock. When they arrived there, Myers' uncle, Thos. Fletcher, took the boy, with another free boy who was living with him, to the South with a drove of horses, and sold them both.

The following letters from the attorneys in Alabama, gave the first information to his friends of his sad condition. The first was directed to Ebenezer Davis, Esq., of Williamsport, Pickaway co., Ohio.

"Tuscaloosa, Alabama, 25th June, 1837.

DEAR SIR.—It becomes our duty to address you on a subject involving the rights and interests of humanity.

There is, in this city, a black boy by the name of Alfred, who says his father's name is James Turpin, that he is a free man, and lives near Williamsport, Pickaway county, Ohio. This boy was sold as a slave here last winter, by a man by the name of Fletcher, living as the boy says, in the State of Indiana.

The boy says he left his father's, I think last year, in company with a man by the name of Myers, who is a son of Samuel Myers, living near Bloomingburg, Fayette county, Ohio—that he went from his father's to the place last mentioned, in company with young Myers to help him drive cattle—that having remained at old Mr. Myers' for a short time, instead of returning home to his father, he went with one of the old man Myers' sons to the State of Indiana to assist, again, in driving cattle—that this young man Myers, instead of taking him back to Ohio, left him in Indiana with Fletcher, with the promise that he, Myers, would soon return and take him back—that soon after, Fletcher started to Alabama with a drove of horses, and took him, the boy in question, with him to assist in the driving of the horses, and upon his arrival here he sold the boy as a slave. This last statement we know to be true. The boy says he is free, and we are strongly of opinion that he tells the truth. He has commenced a suit for his freedom according to the laws of the State.

We write for information in behalf of the purchaser of the boy; but if he is free, we would not lift our hands to fasten slavery upon him. You will be written to by the attorneys for the boy, whose letter you will no doubt answer. We also trust you will do us the favor to answer our communication so soon as you possibly can. Please state as many convincing facts and circumstances as you can.

Very respectfully,
Your ob't servant,
PECK & CLARK,
Atts. at Law."

The same mail brought the following letter to the father of the boy.

"Tuscaloosa, Ala., June 24th, 1837.

JAMES TURPIN.—Sir: Circumstances have transpired in this place within a few weeks, which make it highly important to the interests of the party concerned, that you should answer the following questions fully, and truly, and is thought you were speaking under your oath. The truth will doubtless effect that which might contribute much to your happiness; while falsehood might produce that which would render you miserable.

1st. Are you a free man? Have you a wife, and was she born free? How many children have you by her, and what are their names? How many of them are sons? What is the name of your grandson? How old is he? Where was he born? Was he born in a free state, and was his mother free at the time of his birth? Is he with you now, or did he or any other son of yours live with one Samuel Myers some time since? If so, how long since he left you and went to live with Mr. Myers? How long did he live with Myers? When did he leave him, and where did he go when he left Myers' employ? Whom did he go with? Do you know where he is now? Did you ever hear of his living in Indiana? If so, is he there now? If not, there, do you know with whom he left that State, and for what place? Is he lame? And if so, from what cause? Describe the scar, its situation, size, &c., and when he received it? How far do you live from Williamsport? Do you rent land to cultivate? If so, from whom? Can you give us the names of any persons in your neighborhood that have known your son above alluded to?

Answer these interrogatories as early as you can.

CRABB & CAPERS.

Atts. at Law.

P. S. Request John Yates to write us all we may know about the boy above alluded to.

O. & C.

Several letters have passed between the citizens

of this place and the atys. for the boy. The last received is the following:

"Tuscaloosa, Oct. 6th, 1838.

MR. S. HUMES.—Sir: In reply to yours of the 16th August last, Alfred Turpin was, by a decree of the court, made last week, declared free.

The proceeds of his labor will be paid over to him. Whether he will return to his home in Ohio or not, we cannot say.

CRABB & COCHRAN.

Atts. at Law.

The original letters are in my possession.

A. WATTELES.

THE PHILANTHROPIST.

EDITED BY G. BAILEY, JR.

CINCINNATI:

Tuesday Morning, January 15, 1839.

THE ORDINANCE OF '87 AND THE FEDERAL CONSTITUTION.

"Ohio owes it as clearly to her own character—to her dignity—to the principles upon which the Constitution and the Union have been constructed, to make laws to punish whosoever may within her own territory, violate the rights of Kentucky, and secede or aid and assist the escape of slaves, as she does to make laws to punish any felon who might take, steal and carry off other's property; or who might receive, secede and conceal stolen goods, knowing them to be such."—Louisville City Gaz.

The pertinacious assurance, with which slave-holders reiterate their sophisms, obliges us again and again to recur to truths already familiar to our readers. Ohio owes it "to her own character—to her dignity," to punish her citizens for aiding a slave, in pursuit of his liberty. Why? Does Ohio recognize slavery, as *right?* Does she acknowledge the rightfulness of the property-holding power over man, claimed by the slave-holder? Has she not reprobated the claim, by excluding slavery from her borders, and solemnly declaring, that *all men are created equally free and independent?* Thus repudiating and branding slavery, how can "her character," "her dignity," "her integrity," bind her to punish her citizens for helping a man, peacefully to gain that liberty, which she declares, is his birth-right?

But the federal constitution imposes upon her an obligation, in relation to this matter." What is the obligation? that she should prohibit her people from giving counsel and charity to an innocent man, whom some call a *slave*? Show the article, the section, the clause, which prescribes such a duty; lay your finger upon it. You and I, one alone is enjoined upon Ohio, and that is, to deliver up a fugitive from "service or labor," "on claim of the party to whom such service or labor may be due." This provision of the federal constitution is a limitation to her sovereignty, antagonistic to the principles of her constitution, and in conflict with natural justice. It is therefore, as already decided by high authority, to be construed strictly. Justice, liberty, the constitution of the state, our own honor, forbid that the single, narrow obligation created by this provision, should be extended and strengthened by liberal construction or loose inference. The obligation is simply this—that, when the slave-holder claims the fugitive, Ohio is bound to consider the claim, and should it be established, to deliver up the fugitive. The provision prescribes no other duty. It surely does not oblige this state to throw any obstructions in the way of the escaping slave—until he is claimed as a fugitive. Neither does it bind her to inflict punishment on a citizen for assisting a runaway, though he may know him to be such. Her single duty, we repeat, is, to deliver up fugitives from service or labor, when claimed—she having the sole right to provide the tribunal before which such claim shall be adjudicated.

Our legislature, therefore, in making the harboring or secreting of a runaway slave, a penal offence, has outstripped the requisitions of the federal constitution, and done a work of supererogation in behalf of slavery. Nay, more; it has violated the principles of the state-constitution, by voluntarily acknowledging the rightfulness of the property-holding power of the slaveholder over human beings—that very power which the state-constitution most clearly disallows. The statute of Ohio on this subject, we regard, as an intrenchment on the constitutional rights of the citizens, and an obsequious concession to slaveholding.

But it may be questioned, whether Ohio is under any kind of obligation to deliver up fugitives from service or labor, escaping from Kentucky, or any of the states not included in the thirteen original states. Since slave-holders are so extravagant in their demands, it may be useful to inquire, whether far more has not been conceded to them, than they can fairly claim by the compact of Union.

The Ordinance for the government of the north-western territory, passed by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord, one thousand seven hundred and eighty-seven, after determining various particular respecting the form of territorial government, proceeds—

"And for extending the fundamental principles of civil and religious liberty, which form the basis wherein these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original states, at as early a period as may be consistent with the general interest:

"It is hereby declared and ordained, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent."

There were six of these articles, which, it is remembered, were "forever to remain unalterable, unless by common consent,"—by the common consent of the original states, and the people and states in said territory." Bearing this in mind, examining the sixth article of the great charter of our liberties.

"There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted. Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed, in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."—*Ordinance of '87.*

In any one of the original states—why not in any one of the states? We ask every candid man whether this peculiarity in the phraseology of the article, does not prove, one of two things—either that the framers of this ordinance and the Congress which enacted it, intended that there should be no more slave states added to the Union, or that being admitted, they should not have the right of reclaiming their fugitive slaves, if found in the north-western territory?

one of the original states could be lawfully reclaimed and conveyed to the person claiming his or her service or labor. The framers of the ordinance clearly saw, that the declaration, excluding slavery or involuntary servitude, "otherwise than in punishment of crime," if it stood alone, would entirely put it out of the power of the slaveholder in any of the states, to reclaim his fugitive slaves, who should once set foot on that territory. Hence, the exception, provided; but this exception, inasmuch as it shows that those, who framed the article, carefully considered all its bearings, proves conclusively, that the rule in all its other applications was designed to be unvarying and unalterable.

By the ordinance, therefore, if it still remains in force, unalterable and unalterable, no state, established since the date of its enactment, has a right to demand fugitive slaves, of any of the states formed out of the north-western territory. Consequently, Ohio, Indiana and Illinois are not bound to deliver up escaping slaves, except they be fugitives from some one of the original states.

The question now is; are these six articles of the ordinance of '87, still binding on the people and the states in the territory, and on the original states? Do they remain unaltered? Undoubtedly, unless they have been changed "by common consent;" for the emphatic language of the covenant is,—"the following articles shall be considered as articles of compact between the original states, and the people and states in the said territory, and forever remain unalterable, unless by common consent."

Mr. COLE referred to the General Assembly of the State of Indiana. That inasmuch there is no slavery in the State of Indiana, that they esteem the presentation of the ordinance to be uncalculated and unnecessary, at the least. And if the same was designed to effect (it is possible) opinion and feeling against the secured national compact, they consider themselves called upon to declare, that they view, with sentiments of unmingled disapprobation, the spirit which produces the agitation of anti-slavery feeling in either of those portions of the Union, in which the evil does or does not exist, which can only tend to weaken the ties by which the States are bound together, without any countervailing advantage.

Mr. KENNETT moved to reject the joint resolution, on the ground, that he wished to place his name on the journals of the Senate, showing his feelings against agitating this question. He did not wish to be forced into an expression of opinion. This was the ground he intended to occupy.—He deprecated the discussion of the question; but if it were forced upon the Senate, he would give his views, unless compelled to do so by the operation of the previous question.

Mr. TULLER was opposed to rejecting the joint resolution.

Mr. BELL stated, that after he received the Philanthropist it was given a soothsaying influence on the people of the South. That hundreds of the most meritorious portion of the Southern people were led to believe, from publications similar to the Philanthropist, that we were bitterly opposed to them. He wished to eradicate this opinion by the action of the Senate.

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Mr. COLE referred to the General Assembly of the State of Indiana, member of a Union, in one half of which slavery exists in its most revolting forms?

Is she not responsible, to the extent of her votes in Congress, for the existence of slavery in the District of Columbia? Has she not insulted the spirit of liberty, and bowed the knee to Slavery, by the enactment of unjust and oppressive laws against men, to whom God has given a colored skin?

Is America disgraced abroad, and does not Indiana feel abased? Are the best interests of the nation put in jeopardy, and is not Indiana moved with concern?

Is the Congress of the United States enslaved, and does not Indiana feel aggrieved?

Mr. MITCHELL deeply regretted the introduction of the resolution.

Mr. COLE referred to the paper, showing that one object

of the editor was to state the object and get an expression of opinion.

That after the adjournment of the Legislature, a false impression would be made as to the sentiments of members.

Mr. MITCHELL said the paper was sent there to give

an expression of opinion. The resolution had the same effect.

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